



# Public Notice

<b>U.S. Army Corps</b>	Permit Application No: _____	22739(01)
<b>Of Engineers</b>	Date Issued: _____	3 March 2004
<b>Galveston District</b>	Comments Due: _____	2 April 2004

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**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT  
AND  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**PURPOSE OF PUBLIC NOTICE:** To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**AUTHORITY:** This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

**APPLICANT:** Robert Carl Bedgood  
300 East Airline Road  
Victoria, Texas 77901-3902  
Telephone: 361-573-1785

**LOCATION:** The project is located southeast of the intersection of Scurlock Street and Stella Street, in Port O'Connor, along the Gulf Intracoastal Waterway, Calhoun County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Port O'Connor, Texas. Approximate UTM Coordinates: Zone 14; Easting: 751712; Northing: 3147735.

**PROJECT DESCRIPTION:** The permittee proposes to modify Department of the Army Permit 22739. The changes proposed involve changing the mitigation plan and adding structures for property owners. The mitigation modification is necessary due to erosion incurred during Hurricane Claudia. All dredging, bulkheading, and filling behind the bulkhead has been completed

The permittee proposes to create 0.28 acres of smooth cord grass emergent intertidal wetlands instead of the original 0.16 acres authorized. The elevation would be stabilized above mean sea level using the excavated soils located in the northwest corner of the basin. These consist of sand and loamy sands with some organic content. Once the stabilized bed elevation is established, the rock wavebreak fronting this bed and bulkhead would be completed.

The permittee proposes to install 0.21 acre of submerged hard substrate materials instead of the 0.17 acre authorized in the original permit. This will function as submerged habitat and wave absorption buffers for both the existing seagrass beds and the created intertidal wetland, reducing further loss of existing beds due to hydrologic forces and preventing the erosion of the clay lenses the seagrass beds are situated upon.

The permittee proposes to construct six L-head piers in front of the bulkhead on the west side of Larry's Harbor for the property owners of those lots. This would allow a full review of the entire project instead of the property owners coming in independently without regard to the mitigation area.

Lastly, the permittee proposes to change the authorized location of the boat ramp to avoid utility lines.

**The applicant's plans are enclosed in 21 sheets (18 sheets of project plans and 3 sheets of mitigation plan). Project location maps and general development plan in 4 sheets are attached; the remainder of the detailed 21 project sheets and mitigation plan is available on the USACE Website at [www.swg.usace.army.mil/reg](http://www.swg.usace.army.mil/reg) under the link for Public Notices. You may obtain a hardcopy of the project plans upon written request to the Project Manager cited on page 4 of this notice.**

**NOTES:** This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

**OTHER AGENCY AUTHORIZATIONS:** Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

**STATE WATER QUALITY CERTIFICATION:** This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

**NATIONAL REGISTER OF HISTORIC PLACES:** The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The permit area has been so extensively modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

**THREATENED AND ENDANGERED SPECIES:** Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**PUBLIC INTEREST REVIEW FACTORS:** This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

**SOLICITATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

**PUBLIC HEARING:** Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before **2 April 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

T. Cheryl Jaynes  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3084 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS